

Bill Of Rights [1791]

Congress adopted the first 10 Amendments of the U.S. Constitution to limit powers of a centralized government. The Bill of Rights is meant to protect people against acts of oppression or tyranny from the federal government, not state governments.

The states decided the qualifications for citizenship such as age, gender, and how much property must be owned to qualify to vote or run for office.

New Jersey women who met property and residency requirements could vote when the Constitution was ratified, but the state revoked that right in 1807.

1791

Bill of Rights

13th Amendment [1865]

President Lincoln knew his Emancipation Proclamation would need a constitutional amendment to abolish slavery. The Senate passed it in April 1864. To ensure its passage by the House, Lincoln insisted it be added to the Republican Party platform for the next Presidential election. It was adopted in January 1865 before the southern States were restored to the Union. It was ratified in December.

The 13th Amendment abolishes slavery and involuntary servitude in the U.S. and its states and U.S. territories, except as a punishment for a crime: *“Neither slavery nor involuntary servitude, except as a punishment for a crime... shall exist within the United States, or any place subject to their jurisdiction.”** No one is delivered up.

The exception led to increased arrests of African Americans and created slavery of another form – as prisoners of law – from Reconstruction to present.

* Changed the U.S. Constitution, Article IV, Section 2, Fugitive Slaves Clause

1865

13th Amendment

abolishes slavery*

* except as punishment for a crime

14th Amendment [1868]

The original intent of the 14th Amendment was to grant citizenship to former slaves and to make the Bill of Rights binding upon the states. When introduced, the sponsor stated the Privileges and Immunities Clause would extend to the states “the personal rights guaranteed and secured by the first eight amendments.”

The 14th Amendment clarifies citizenship status, extends privileges or immunities of citizens to apply against states, and extends Bill of Rights’ equal protection and due process for persons to apply against states. It changes the Three-Fifths Clause to whole persons and adds a penalty if male citizens of 21 years and older are denied the vote – “except for participation in a rebellion or other crime...” *

However, the Supreme Court extended the Bill of Rights to artificial persons – corporations – to apply against the states well before it recognized these rights for real people. One legacy of Reconstruction was the determined struggle of black and white citizens to make the promise of the 14th Amendment a reality.

* Changed the U.S. Constitution, Article I, Section 2, Three-Fifths Clause

1868

14th Amendment
equal protection & due
process against states

15th Amendment [1870]

The 15th Amendment recognizes voting as a constitutional right of certain classes of citizens in United States: *“The right of citizens... to vote shall not be denied or abridged... on account of race, color, or previous condition of servitude.”*

But Jim Crow laws – like literacy tests for voting, exclusion of voting rights to those whose ancestors had not voted in the 1860s, poll taxes, and more – kept African Americans from exercising their rights from Reconstruction to present.

1870

15th Amendment

right to vote

NOT denied by race

Civil Rights Acts [1866–1875]

Congress passed 5 acts in 10 years to enforce the Civil War amendments. Three acts – known as Ku Klux Klan Acts – placed all elections under federal control; gave federal courts enforcement power; and gave the president power to suppress state disorders with federal troops and detain in jail after trial members of the Ku Klux Klan and other white supremacy groups. As a result, the Ku Klux Klan was dismantled for over 40 years.

1866–1875

**Civil Rights Acts /
Enforcement Acts**

17th Amendment [1913]

By the mid-1850s, election of U.S. senators by state legislatures, as required by the Constitution, had become battles of intimidation, bribery, corruption, and control by special interests, dubbed the “Millionaires’ Club” by progressive reformers. Deadlocks occurred in 20 states when different political parties controlled different state houses, and senate vacancies were not filled for months or years.

By 1912, 29 states used the “Oregon system” of direct vote by the people during state primary elections with state legislatures pledging to honor the results. People demanded a constitutional amendment.

The first version passed by the House, but not the Senate, included a race rider to prevent federal intervention in state cases of racial discrimination among voters. The version that passed both houses did not include the race rider. It established that the U.S. Senate is elected by the people, instead of appointed by state legislatures.*

* Changed the U.S. Constitution, Article I, Section 3

1913

17th Amendment

U.S. Senate

elected by people

19th Amendment [1920]

The amendment giving women the right to vote was first introduced in Congress in 1878. After the Supreme Court's decision in *Minor v. Happersett*, Suffragists switched tactics from federal to state legal actions to pass suffragist acts in each state and to challenge male-only voting laws in state courts. By 1916, almost all of the suffragist organizations were focused on a constitutional amendment.

By 1920, Congress had passed the amendment and 35 of the required 36 states had ratified it. Tennessee called a special session in summer. Young state Senator Harry Burns changed his mind and broke the tie vote upon receiving a letter from his mother asking him to vote in favor of the amendment.

The 19th Amendment recognizes women's right to vote 72 years after first women's rights convention in Seneca Falls, New York, in 1848. However, *Minor v. Happersett* was used to deny women the vote for another 40 years until the 1960s. That's when the Supreme Court started interpreting the 14th Amendment equal protection clause to include voting rights.

1920

19th Amendment
right to vote: women

National Labor Relations Act [1935]

A Congress sympathetic to labor unions passed the National Labor Relations (or Wagner's) Act to restrain private employers who were using violent, unfair methods to disrupt and interfere with union formation and business. Confrontations between militant workers trying to form unions and police and private security forces often turned violent and were disrupting interstate and foreign commerce.

The law established the rights of workers to self-organization; to form, join, or assist labor organizations; to bargain collectively through representatives of their own choosing; and to engage in activities related to collective bargaining and protection. It created a federally-appointed board to arbitrate disputes, ensure democratic union elections, and penalize unfair labor practices by employers.

The act led to huge increases in union membership, including women, and made labor a vital economic and political force.

1935

**National Labor
Relations Act**

Brown v. Board of Educ. of Topeka [1954]

Supreme Court recognized separate is not equal and ruled public schools cannot be racially segregated. However, the Board did not say how to end racial discrimination.

In 1955, in *Brown II*, the Supreme Court ordered district courts to desegregate schools with “all deliberate speed.” Southern states used this to resist desegregation of public schools for years. Prince Edward County, Virginia, closed public schools for 5 years, claiming lack of funds but funded white students to attend white-only private schools.

In 1964, the Supreme Court overturned *Brown II*, ruling “the time for mere ‘deliberate speed’ has run out.” (*Griffin v. County School Board of Prince Edward County*)

In 1978, Oliver Brown’s daughter, Linda, reopened *Brown III* to demand a plan for desegregating public schools. It wasn’t until 1998 that Topeka schools finally met court standards of racial balance.

* Rulings overturned *Plessy* decision.

1954

separate is

NOT equal

24th Amendment [1964]

After the 15th Amendment passed, many southern states passed poll taxes – fees to qualify to vote. Poll taxes were used to prevent African Americans from voting, along with literacy tests and other restrictions, and physical harassment, intimidation, economic retaliation, and physical violence.

The 24th Amendment prohibited the practice of using failure to pay poll taxes as an excuse to deny African Americans and others the right to vote: *“The right... to vote ... shall not be denied... by reason of failure to pay any poll tax or other tax.”*

1964

24th Amendment
abolishes poll taxes

Civil Rights Act [1964]

In June 1963, President John Kennedy addressed the nation to urge people to take action toward guaranteeing equal treatment of every American regardless of race.

After Kennedy's assassination, the work begun by blacks and whites over a century earlier to end major forms of discrimination led to passage of the Civil Rights Act over strong opposition in both houses of Congress. The law intended to end discrimination on the grounds of race, color, religion, or national origin.

It provided key enforcement measures. It authorized federal district courts to provide remedies against discrimination in public places. It authorized the Attorney General to bring lawsuits to protect constitutional rights in public education and public places. It authorized the Civil Rights Commission to prevent discrimination in federally assisted programs. And it created the Commission on Equal Employment Opportunity.

1964

CIVIL

RIGHTS ACT

Voting Rights Act [1965]

95 years after the 15th Amendment had passed, President Lyndon Johnson urged Congress to pass a bill to “make it impossible to thwart the 15th Amendment... (W)e cannot have government for all the people until we first make certain it is government of and by all the people.”

The Voting Rights Act abolished Jim Crow laws and authorized federal supervision of voter registration where necessary. The act had strong enforcement measures. The “coverage formula” determined which states had discriminatory voting practices. Those states were required to obtain “preclearance” – approval by federal judges – of any changes to voting laws before the changes could be enforced. These federal enforcement measures were key to reducing racial discrimination in state voting practices.

By the end of 1965, over a quarter million new black voters were registered, one-third with federal assistance. By the end of 1966, only 4 of 13 southern states had less than half of its African American residents registered to vote. The act was strengthened in 1970, 1975, and 1982.

1965

VOTING

RIGHTS ACT

***Loving v. Virginia* [1967]**

In 1958, childhood sweethearts Mildred and Richard Loving married in Washington, DC. Then, 24 states banned interracial marriages. When the couple returned to Virginia, they were arrested with unlawful cohabitation and jailed. They moved to Washington, DC, but were arrested 5 years later, while traveling together to visit family in Virginia. Mildred wrote to U.S. Attorney General Robert Kennedy for help and was referred to the American Civil Liberties Union.

Supreme Court invalidated state laws prohibiting interracial marriage under the 14th Amendment Equal Protection Clause. Virginia argued its state law, making interracial marriage a felony, equally punished both white and black people, and so it did not violate the Equal Protection Clause. Court held it is not possible for a state law to be valid, which makes the criminality of an act depend upon the race of the actor.*

* Court recognizes a new fundamental right.

1967

**Right to interracial
marriage**

Fair Housing Act [1968]

Pressure to pass this legislation through Congress was building from both black and white organizations and was fueled by discriminatory housing practices against families of African American soldiers who had been killed in Vietnam. The act was signed into law during the King assassination riots.

The law protects buyers and renters of housing from discrimination by sellers, landlords, or financial institutions. It prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, family status, disability, or gender.

1968

FAIR

HOUSING ACT

26th Amendment [1971]

During the Vietnam War, students (18–21) were being drafted into military service without a say – a vote – in their future. They took to the streets for months in mass demonstrations and protests.

Under this intense pressure, Congress was forced to realize that, if 18-year-olds could be drafted into military service, they should be allowed to vote.

The 26th Amendment recognizes a citizen's right to vote at 18 years of age.

1971

26th Amendment

voting age: 18

***Roe v. Wade* [1973]**

Supreme Court invalidated Texas law and other state laws that prohibited a woman's right to choice regarding her pregnancy.

This ruling recognized women's right to privacy under the 1st Amendment right to freedom of religion, the 4th Amendment right to protection against unreasonable search and seizure, the 5th Amendment right to due process, the 9th Amendment right to privacy, and 14th Amendment right to due process and equal protection.

* Court recognizes a new fundamental right for women concerning their own bodies.

1973

**women's right
to privacy**

Popular movements drive rights into law

- Environmental Protection Agency, formed 1970
- Clean Air Act, passed in 1963, amended 1970
- Clean Water Act, passed in 1948, redone 1972
- National Environmental Policy Act, 1970
- Occupational Safety & Health Act, 1970
- Safe Drinking Water Act, 1974
- Toxic Substances Control Act, 1976
- Resource Conservation & Recovery Act, 1976
- Surface Mining Control & Reclamation Act, 1977
- First fuel economy standards for cars, 1975
- + much more

1960s–1970s
popular movements
to protect
health & wellbeing

***Obergefell v. Hodges* [2015]**

This case consolidated six appeals court cases from Ohio, Michigan, Kentucky, and Tennessee. It originally involved 16 same-sex couples, 7 of their children, a widower, and others. A split between the four circuit courts led to a Supreme Court review.

Supreme Court ruled the fundamental right to marry is guaranteed by the 14th Amendment Due Process Clause and Equal Protection Clause.*

The majority held: "*(M)arriage is a keystone of our social order... There is no difference between same- and opposite-sex couples with respect to this principle.*"

* Court recognizes new fundamental right.

2015

**right to same-
sex marriage**

***Evenwel v. Abbott* [2016]**

State constitutions require state legislatures to reapportion political district boundaries after every federal census (10 years). Political parties in power at the time of redrawing district boundaries often try to “gerrymander” or manipulate boundaries of a voting constituency to favor their party or class. This history predates the Constitution.

Sue Evenwel and others filed suit in U.S. District Court in Texas over boundaries of political districts. They argued their vote was diluted because of districting based on the total population. Critics claimed the case was gerrymandering to protect the white vote.

Supreme Court ruled unanimously the “one person, one vote” principle of the 14th Amendment Equal Protection Clause allows states to continue basing legislative districts on the whole population, counting kids, prisoners, and other persons who are not registered to vote, not just citizens eligible to vote.

2016

**Legislative districts
based on whole
population**